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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,329	07/08/2003	Akio Saigusa	1232-5070	1354
27123	7590	04/10/2007	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			PINKNEY, DAWAYNE	
		ART UNIT	PAPER NUMBER	
		2873		
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/10/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/616,329	SAIGUSA ET AL.
	Examiner	Art Unit
	DaWayne A. Pinkney	2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 July 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 08 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07/05/2003 and 07/08/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 07/05/2003 and 07/08/2003 was considered by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudryashove et al. (US 6, 736, 507) in view of Baba et al. (US 6, 369, 831).

The cited primary reference, Kudryashove teaches, an ophthalmologic apparatus comprising:

observation illumination means for illuminating an eye fundus of an eye to be examined in observation operation (Column 2, line 67, Column 3, line 1, Column 4, lines 36-37 and Claim 1);

image taking illumination means for illuminating the eye fundus in image taking operation (Column 2, line 67, Column 3, line 1, Column 4, lines 47-48, Column 5, lines 63-66 and Claim 1);

image pickup means for electrically converting an image of the eye fundus of the eye to be examined into an image signal (Column 2, line 67, Column 3, line 1, Column 4, lines 47-48, Column 5, lines 63-66 and Claim 1);

The cited primary reference does not teach conversion means for converting the image signal obtained by the image pickup means into a digital value;

a rewritable lookup table for storing data for correcting the image signal converted into the digital value; and

rewrite means for rewriting the data in the lookup table, wherein the rewrite means rewrites the data in the lookup table in accordance with the observation operation and the image taking operation.

However, the cited primary reference does teach that the image data is stored (Column 5, lines 59-61) and the image data is corrected (Column 3, lines 10-14).

The added secondary reference, Baba teaches, conversion means for converting the image signal obtained by the image pickup means into a digital value (Column 3, lines 27-33, Column 15, lines 18-26, Column 15, lines 40-45);

a rewritable lookup table for storing data for correcting the image signal converted into the digital value (Column 2, lines 57-60, Column 3, lines 28-34 and Column 4, lines 34-41); and rewrite means for rewriting the data in the lookup table (Column 2, lines 57-60, Column 3, lines 28-34 and Column 4, lines 34-41), wherein the rewrite means rewrites the data in the lookup table in accordance with the observation operation and the image taking operation (Column 3, lines 27-33, Column 4, lines 34-41, Column 16, lines 58-67 and Claim 1) for the benefit of this allows an image to be prepared expeditiously (Column 5, lines 21-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the apparatus of Baba with the apparatus of Kudryashov because the apparatus of Baba allows an image to be prepared expeditiously (Column 5, lines 21-22).

Regarding **claim 2**, Baba discloses, an ophthalmologic apparatus according to claim 1, wherein data written into the lookup table is changed in accordance with a characteristic of the observation illumination means and a characteristic of the image taking illumination means (Column 3, lines 27-33, Column 4, lines 34-41, Column 16, lines 58-67 and Claim 1).

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kudryashove et al. (US 6, 736, 507) in view of Baba et al. (US 6, 369, 831) further in view of Yamada (US 5, 038, 223).

The cited primary reference, Kudryashove teaches, an ophthalmologic apparatus comprising:

observation illumination means for illuminating an eye fundus of an eye to be examined in observation operation (Column 2, line 67, Column 3, line 1, Column 4, lines 36-37 and Claim 1);

image taking illumination means for illuminating the eye fundus in image taking operation (Column 2, line 67, Column 3, line 1, Column 4, lines 47-48, Column 5, lines 63-66 and Claim 1);

image pickup means for electrically converting an image of the eye fundus of the eye to be examined into an image signal (Column 2, line 67, Column 3, line 1, Column 4, lines 47-48, Column 5, lines 63-66 and Claim 1);

The cited primary reference does not teach conversion means for converting the image signal obtained by the image pickup means into a digital value;

a rewritable lookup table for storing data for correcting the image signal converted into the digital value; and

rewrite means for rewriting the data in the lookup table, wherein the rewrite means rewrites the data in the lookup table in accordance with the observation operation and the image taking operation.

However, the cited primary reference does teach that the image data is stored (Column 5, lines 59-61) and the image data is corrected (Column 3, lines 10-14).

The added secondary reference, Baba teaches, conversion means for converting the image signal obtained by the image pickup means into a digital value (Column 3, lines 27-33, Column 15, lines 18-26, Column 15, lines 40-45);

a rewritable lookup table for storing data for correcting the image signal converted into the digital value (Column 2, lines 57-60, Column 3, lines 28-34 and Column 4, lines 34-41); and rewrite means for rewriting the data in the lookup table (Column 2, lines 57-60, Column 3, lines 28-34 and Column 4, lines 34-41), wherein the rewrite means rewrites the data in the lookup table in accordance with the observation operation and the image taking operation (Column 3, lines 27-33, Column 4, lines 34-41, Column 16, lines 58-67 and Claim 1) for the benefit of this allows an image to be prepared expeditiously (Column 5, lines 21-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the apparatus of Baba with the apparatus of Kudryashov because the apparatus of Baba allows an image to be prepared expeditiously (Column 5, lines 21-22).

The cited combination of Kudryashov and Baba does not teach a plurality of lookup tables and a selection means for selecting a desired lookup table from the plurality of lookup tables.

The added tertiary reference, Yamada teaches, a plurality of lookup tables (Column 6, lines 33-45) and a selection means for selecting a desired lookup table from the plurality of lookup tables (inherent) for the benefit of a major savings in memory capacity is achieved (Column 2, line 27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the apparatus of Yamada with the combination of Kudryashov and Baba because the apparatus of Yamada provides a major savings in memory capacity (Column 2, line 27).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following disclosures substantially teach a conversion means, a rewriteable lookup table, and a rewrite means:

Fossum et al. (US 6, 584, 235)

Pfeiffer et al. (US 4, 985, 848)

Whitehead (US 4, 733, 229)

Itoh (US 2001/0028439) teaches an ophthalmic apparatus with an illuminating means, an image taking means and an image pickup means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DaWayne A. Pinkney whose telephone number is (571) 270-1305. The examiner can normally be reached on Monday-Thurs. 8 a.m.- 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2873

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Dwayne O. Fin
DAP


RICKY MACK
SUPERVISORY PATENT EXAMINER